

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN L. COX,

Plaintiff,

v.

PAT GLEBE, JOSHUA SENDAWULA,  
JOE WILLIAMSON, KERRI  
MCTARSNEY, WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS,  
STATE OF WASHINGTON,

Defendant.

CASE NO. C13-5073 RBL

ORDER DENYING MOTION FOR  
EXTENSION OF TIME AND  
ADOPTING REPORT AND  
RECOMMENDATION

John Cox's retaliation claim was removed to this Court on February 1, 2013. The Court previously dismissed Cox's claims against all of the Defendants except Pat Glebe and Joe Williamson. Glebe and Williamson filed a motion for summary judgment on September 27th, and Cox was informed that his failure to respond would result in the dismissal of the rest of his claims. Nevertheless, Cox failed to respond, and on November 11th, Magistrate Judge Creatura issued a Report recommending that Defendants' motion be granted.

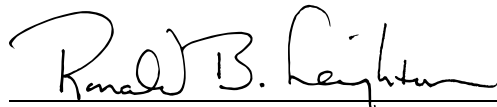
Cox did not file an objection to the Report and Recommendation within 14 days, but on December 5th, he filed a motion for an extension of time. Cox requests that he be given until

1 January 17, 2014, so that he can obtain evidence that is “necessary to proceed in this action.”  
2 Notably, Cox does not request more time so that he can complete an objection to Judge  
3 Creatura’s Report and Recommendation. He requests more time to obtain evidence presumably  
4 to respond to Defendants’ motion for summary judgment. Cox has already missed his  
5 opportunity to respond to the Defendants’ motion, however. Granting Cox an extension of time  
6 to obtain evidence would be pointless at this stage of the litigation. Cox’s motion for an  
7 extension of time (Dkt. #24) is DENIED.

8 The Court, having reviewed the Report and Recommendation of the Hon. J. Richard  
9 Creatura and the remaining record, does hereby find and Order:

- 10 (1) The Court adopts the Report and Recommendation;
- 11 (2) The Court grants defendants’ motion for summary judgment. Defendant Glebe’s  
12 actions cannot be depicted as retaliation because they furthered legitimate  
13 penological goals. Plaintiff failed to come forward with admissible evidence to  
14 support his allegations against defendant Williamson;
- 15 (3) The Court revokes in forma pauperis status for purpose of appeal.

16 Dated this 9<sup>th</sup> day of December, 2013.

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18 RONALD B. LEIGHTON  
19 UNITED STATES DISTRICT JUDGE  
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